Clermont County, Ohio
Project XL for Communities

Interim Project Agreement/Framework

DRAFT - 10/08/97

The following framework is presented to serve as the basis of agreement between Clermont County, the U.S. Environmental Protection Agency (USEPA), and Ohio Environmental Protection Agency (OEPA) on the approach to reach a Final Project Agreement (FPA) under EPA's Project XL for Communities. Concurrence with this framework signifies that all parties will work cooperatively on the steps outlined below with the goal of achieving an FPA within two years (January 1, 2000).

I. Environmental Protection Plan

Clermont County is currently in the process of developing a comprehensive water resources management plan for the East Fork of the Little Miami River (EFLMR). The Plan will address multiple water quality, land use, and economic development issues in the County, while presenting a multi-year master work plan for implementation. Through the use of consultants, stakeholders and County staff support, a wide range of environmental considerations will be included. The County will gather public and stakeholder input through collaborative goal setting, identify watershed issues, assess water quality impacts from existing and future land use, and develop the appropriate management approaches to prevent water quality impairment while promoting economic development. The USEPA and OEPA are expected to be active participants in this process.

The major goal of this environmental protection plan is to demonstrate superior environmental performance through greater local responsibility and control for permitted facilities. This plan will demonstrate the development and application of locally developed water quality standards that are based on local environmental conditions while recognizing statewide objectives. This plan will lead to the design of a local water quality program that will achieve more environmental objectives and performance standards than can be obtained using statewide standards. Because of its comprehensive scope, the Environmental Protection Plan must also encompass other development issues closely tied to water quality including land use, development procedures, open space and farmland preservation, and economic development to name a few. Methods and results will be applicable to other local jurisdictions wishing to develop targeted, locally-driven, water quality management programs.

The County's Environmental Protection Plan and its model for the watershed will provide the objective framework for the County to assume responsibility for evaluating the effectiveness of capital projects as well as policy changes in achieving established water quality goals. As specific actions are undertaken, procedures for monitoring the impacts of the action will be incorporated into the water quality sampling plan. As a result, the process will be reiterative. If actions do not achieve the predicted and desired results, changes will be made and the model recalibrated, effecting modification to the County Environmental Protection Plan.

II. Superior Environmental Performance

There is a need to establish the benchmark against which the future will be measured. Clermont County believes that the current excellent water quality in the EFLMR will deteriorate in the future if development and land use activities continue to follow the current standard regulatory controls. Clermont County plans to evaluate how current water quality can be maintained through the implementation of locally-based water quality permitting and management programs.

The implementation of management measures to control sources of contamination in Clermont County will result in the following direct environmental benefits:

- Improvements of water quality and biological conditions in East Fork of the Little Miami River Protection of drinking water quality
- Better planning and resource allocation
- Increased consistency between permits Increased consideration of basin-wide pollutant inputs (point and nonpoint) for better decision-making and planning
- Improved efficiency of modeling, data collection, and permitting activities
- Provide opportunities for greater stakeholder involvement in the planning and permitting processes
- Reduce hazards associated with failing septic systems Support economic growth and development while protecting water quality
- Increased local awareness of water quality issues

III. Comprehensive Stakeholder Participation

Introduction

Clermont County, Ohio, is developing a comprehensive water resources management plan to maintain and improve water quality as well as optimize the use of the County's water resources. Future development and the long-term sustainability of the County's water resources require a thorough understanding of the relationship between land use activities and those water resources.

As part of this plan, Clermont County will develop a stakeholder involvement program. Long-range water resources planning and management requires the identification and involvement of many different individuals, special interest groups and agencies. Watershed stakeholders must be included in all aspects of the process, from initial planning, to development and implementation of the management plan. It is crucial to set up the Stakeholder Involvement Program early in the process to gain support for the water resources management plan down the road.

Ultimately, through the stakeholder process, Clermont County hopes to achieve collaborative goal setting for water resources management. This will place the responsibility for making decisions on water resources at the local level. The stakeholder involvement program will provide the forum for these decisions to be made.

The stakeholder involvement program will also serve as the outreach component to the water resources management plan. Many watershed issues in Clermont County will best be addressed by a combination of regulatory and voluntary controls. These issues include sedimentation, failing septic systems, increased

pesticide applications, and excess nutrients. In many cases the stakeholders will be the best conduit to reach out to their constituents on voluntary practices for pollutant reductions. For example, the landscaping interests can best formulate a strategy to encourage lawncare companies to best manage fertilizer applications on lawns and golf courses.

Technical Approach

The following outline provides a process for the County to follow to maximize stakeholder involvement and incorporate their recommendations and concerns into the development and implementation of the water resources management plan.

An effective stakeholder involvement plan outlines the techniques and practices which can focus dialogue and local involvement in a productive and useful way. The County's stakeholder involvement program builds on the following activities:

1. **Create an Open Process.** An open process encourages different sectors of the public to participate and builds public confidence in the County. Openness is gained by approaching the stakeholders as partners during the earliest stages of the project.

2. **Identify key interest groups and decision-makers** who will have a stake in the outcome of the project. Stakeholders include those individual who are both affected by and interested in water resources management, as well as those who are affected but NOT interested.

3. **Communicate honestly and frequently** with the stakeholders using methods that seem most appropriate to their needs. The stakeholders should decide how often to meet, and how they want to communicate (i.e., through conference calls, workgroup meetings, newsletters, via fax) through the program.

4. **Establish goals** that are attainable and have been developed with stakeholder input. The goals for the program will include both long-range goals such as improved water quality, and short-range goals such as development of a brochure on proper septic system maintenance).

Consensus-Building

A major feature of the stakeholder group will be to build consensus on various issues put before them. Consensus doesn't just happen. Through careful planning and participation, a well-organized stakeholder group can move forward on difficult issues. There are several ways to maintain consensus that have to be recognized early on:

- Actively involve a broad range of stakeholders as partners in the development and implementation of the watershed management plan.

- Recognize obstacles up front and address them early on. Possible obstacles include: lack of time or other resources, low levels of commitment or interest, and conflicting goals.

- Ensure that each stakeholder has the opportunity and responsibility for meaningful contributions.

- Document, publicize and celebrate the successes through a communications program.
- Designate an effective and respected leader who can maintain the activities of the partnership.

Steps to Building the Stakeholder Involvement Program

1. Establish Goals of the Stakeholder Involvement Program

Clermont County staff first must outline the general goals of the Stakeholder Involvement Program. The goals will be flexible enough for the stakeholders to suggest modifications, but there must first be a basis for discussion.

Possible goals include the following:

- Identify project issues and problems.
- Ensure broad community representation in the development of the management plan.
- Encourage public education on water resources issues.
- Develop and implement public outreach strategies on specific issues in the watershed.
- Improve and support public decision-making in the project.
- Resolve controversies.
- Develop public acceptance and support for the water resources management plan.

2. Identify Stakeholders

A stakeholder is a person or group with an interest or investment in the way an issue is resolved. Stakeholders perceive that they may lose or gain something of value as a result of the water resources management plan. Stakeholders can include the following:

- Chamber of Commerce
- Local officials
- Developers
- Industry
- Businesses
- Environmental organizations
- Agricultural interests
- State government agencies
- Municipalities
- Citizens

The process for identifying stakeholders must be inclusive in terms of numbers as well as the variety of interests represented. The County will build upon the list that was used to invite participants to an initial stakeholder meeting on June 4, 1997. The stakeholders that participated will be asked whether or not they felt certain groups were not represented. If any groups/individuals are identified, they will be invited.

When recruiting stakeholders to participate, they probably will ask several questions before committing

themselves. Clermont County representatives should be prepared to provide the following information when recruiting stakeholders to participate:

- what are the goals of this program?
- what will my responsibilities be?

Formulate an Agenda for Stakeholders

As part of setting the goals for the Stakeholder Involvement Program, it is important to define the roles of the participants. Any individual or group that feels they have a useful contribution to make to the development and implementation of the water resource management plan should have an opportunity to do so. This does not guarantee that there will not be conflict over issues, but it does help to ensure that what conflict may take place will be over the real issues that have to be resolved, rather than over the question of whether an honest intent to resolve them is the real objective of the stakeholder involvement program.

Unless the stakeholder's role is clearly defined, there is an increased chance for tensions to arise. It is important to stress that the sooner their concerns are made known, the more likely they can be accommodated. It also must be made clear at the outset that the final decisions for the water resources management plan rests with the county.

Data Gathering

After the key stakeholders are identified, we will develop a set of questions and discussion topics that will be used as a foundation at the next stakeholder meeting. The questionnaire will serve to capture concerns, issues, interests, objectives, and willingness to participate. The questionnaire will be administered in the form of a mail survey as well as in HTML format for posting on the County's web page. After the questionnaires are returned, follow-up focus group interviews with like-minded stakeholders will be conducted to establish a baseline of knowledge on the project and to identify common interests and potential concerns. It is important to document their attitudes, perceptions, interest in participation, communication channels, and level of knowledge on the water resource management issues.

3. Develop a Strategy

Once the stakeholders have been identified and their values and concerns have been assessed, a strategy will be developed that is tailored to the objectives of the stakeholder involvement program. Specific techniques will be selected based on the identified objectives and stakeholder interests.

As techniques are developed it is important to determine how effective they will be in meeting the information goals of the project. The techniques or approaches selected must have credibility with the target audiences. The strategy must also be flexible to allow changes in response to changing needs and priorities.

An evaluation component must be built into the program to periodically review the effectiveness of the stakeholder involvement program and ensure that it is providing full and open access to its participants. New issues may arise that will require the county to modify its approach to stakeholder involvement.

4. Implement Strategy

The implementation of the stakeholder involvement program will be an iterative process to achieve the goals identified. Through stakeholder forums and the development and execution of various action items, the goals of the program can be attained. Critical to the success of the program will be the use of effective communication tools. Effective communication is essential both among the stakeholders as well as with the public-at-large.

Communication Tools

The selection of specific tools and techniques for involving the stakeholders is dependent on several factors such as cost, demands on staff time, level of skills needed, and past experience. The stakeholders themselves will be asked what communication avenues they have access to for disseminating information (i.e., company newsletters, association meetings).

Several different approaches and tools should be implemented at different phases of the program to capture the largest range of stakeholder views. It may be necessary, at times, to target certain audiences within the stakeholder group.

Stakeholder forums

The primary communication tool among the stakeholders will be through forums. At a minimum, the stakeholders will convene periodic meetings (quarterly) to review progress on goals, discuss action items put before them, and provide a forum for public input. Ideally, these meetings should be well-publicized and open to the public to allow for additional input. The agenda for the next stakeholder meeting should address the following issues:

- Background on the project
- Goals of the stakeholder involvement program as seen by Clermont County Staff (stakeholder input to agree on goals and provide additional goals)
- Representation of the stakeholders (any gaps?)
- Roles and responsibilities of stakeholders
- Road map of the process and areas for input, action (when to meet again, best ways to communicate)
- Set action items to accomplish by next meeting
- Forum for comments, questions

The agenda for subsequent meetings will be driven in large part by the goals and action items set by the stakeholders at the first meeting. Specific tasks (such as the development and dissemination of a brochure on the water quality monitoring stations in the county) will be reviewed at these forums.

Outreach tools

An outreach component will be developed and implemented by the stakeholder group once the overall

goals and objectives are determined. It is here where specific products will be identified to reach various target audiences. Specific formats and distribution mechanisms will be identified to best satisfy the objectives. These outreach products may include newspaper articles on various issues, brochures, fact sheets, public service announcements, festivals, technical workshops, or other means of communicating with target audiences.

Schedule and Products

Goals for stakeholder program	October 31
Identification of stakeholders	October 31
Questionnaire	November 17
Focus Groups	December 1 - 5
Stakeholder Forum	January 8
Stakeholder Strategy	3 weeks after first stakeholder meeting
Stakeholder Meetings	On-going, to continue with collaborative goal setting

Regulatory Flexibility

The County has identified ten (10) issues that relate to regulatory flexibility. Each of these issues have data and assessment requirements that will necessitate a two and one-half year project period. The specifics on regulatory flexibility are described below.

1. Extend expiration dates on existing NPDES permits in watershed (Milford WWTP, Lower East Fork WWTP, Middle East Fork WWTP, Batavia WWTP, Williamsburg WWTP).

WWTP	OEPA Permit #	Permitted Flow	Average Daily Flow	Expiration Date
Lower East Fork	OH0049379	7.0 MGD	4.25 MGD	March 31, 2000
Middle East Fork	OH0049387	4.08 MGD	2.2 MGD	March 31, 2000
Milford	OH0020451	0.75 MGD	0.687 MGD	
Batavia	OH0024023	0.24 MGD	.332 MGD	
Williamsburg	OH0021571			

An extension of the expiration dates for the current NPDES permits is necessary to provide time to study and analyze the watershed conditions. Clermont County has expended considerable resources (financial and staff time) during 1996 and 1997 on a comprehensive water quality monitoring program. In addition, the County has supported several researchers (Miami University of Ohio, University of Cincinnati, Procter & Gamble, PAUSE Study) to conduct investigations of biological and chemical conditions in the EFLMR. Extension of the current discharge permits for an additional 2 years will provide the County and the OEPA with a much better database and understanding of water quality and biological conditions in the EFLMR, which will result in more effective permits.

Clermont County is currently working toward the development of water quality models for the EFLMR which will permit better water quality based analyses and basinwide loading assessments in the vicinity of the permitted discharges. The model(s) will provide the assessment tools through which the County can explore alternative load reduction options and receiving water. Time is needed to develop the data, understand the watershed attributes that contribute to water quality, and identify possible changes in conditions under different management scenarios.

2. Evaluate the feasibility of point/point trades within the EFLMR to optimize nutrient control between facilities.

Clermont County wishes to evaluate the potential to better manage nutrient inputs to the EFLMR through more efficient control over the current five WWTPs. Clermont County wishes to evaluate the potential to optimize nutrient controls to the EFLMR through more efficient control over the current five WWTPs. A river-basin planning and permitting approach should be conducted pursuant to the Five-Year Basin Approach for Monitoring and NPDES Reissuance. Opportunities are available to evaluate possible elimination and consolidation of several point sources in the watershed. For example, the Milford WWTP could be combined with the Lower East Fork WWTP, with the County assuming responsibility for wastewater treatment in the City of Milford. In addition, the Village of Batavia WWTP should be evaluated for possible consolidation/treatment trading with the existing County wastewater treatment plants. Regulatory flexibility will be required to synchronize NPDES permit renewals and to potentially consolidate discharges.

3. Consider the development of point/nonpoint source trading to achieve better controls of nutrients in the watershed.

OEPA currently regulates only point source discharges through the NPDES permit program. Clermont County proposes to explore opportunities to achieve a higher-level of nutrient control in the watershed by identifying specific point/non-point source trading options. Agriculture, septic systems, soil erosion, stormwater runoff, and other nonpoint sources are contributing nutrients to tributaries and the main stem of the Lower East Fork of the Little Miami River. Management controls over these nonpoint sources can possibly be used to offset more stringent effluent limits at existing WWTPs. Nonpoint source controls could include management measures such as: buffer strips along riparian corridors; cropland erosion controls; fertilizer management plans; construction related erosion controls; streambank restoration; septic system management; and stormwater controls. It is also anticipated that basinwide nutrient controls will result in improved water quality throughout the entire basin, versus water quality improvements to only the lower portion of the watershed.

4. Explore summer low flow augmentation from Lake Harsha to release higher dissolved oxygen waters to improve biological conditions and reduce stress.

Lake Harsha is an impoundment of the East Fork of the Little Miami River formed by the flood control structure operated by the US Army Corps of Engineers. During summer low flow periods minimal releases occur from the control structure. Lake Harsha currently supplies 6 MGD of drinking water to the County. Clermont County has water rights that exceed this current withdrawal rate. The County proposes to evaluate the options and regulatory requirements of increased releases during low flow periods to improve discharge, thereby increasing dissolved oxygen, lower temperature, and reducing stress on aquatic biota.

The County also proposes to evaluate various discharge management strategies at the dam, such as the level water is discharged from the lake or aeration baffles in the spillway that may improve water quality.

5. Review permit options to include seasonal nutrient removal limits.

Water quality sampling in 1996 on the EFLMR revealed that summer low flow conditions presented the only time during the year when water quality criteria were of concern. Continued sampling in 1997 could provide further insights into this condition. One option for treatment plant upgrades could be seasonal nutrient removal only. Additional water quality sampling as well as a review of historical sampling results are necessary to confirm the efficiency of seasonal limits. Seasonal nutrient removal in conjunction with nonpoint source control measures could also form the basis of point/nonpoint source trades as described under issue 3 above.

6. Expedite possible innovative onsite wastewater treatment, disposal and management options for areas of failing or discharging septic systems.

Onsite wastewater disposal will continue to serve a large percentage of the population in Clermont County. Currently, about 35% of the County's population, or approximately 54,000 individuals use on-site systems for wastewater treatment and disposal. About 80% of the land area in the County is not served by centralized wastewater collection and treatment systems. Soils throughout the County are severely limited in their ability to absorb and treat wastewater. The wastewater master plan estimated that over 10,000 of the 19,000 active septic systems have direct discharges to streams and watercourses in the County. Over 4,000 systems are known on-site problems and an additional 5,400 present a problem because they are sited on lots less than 1 acre. Septic systems can be major contributors of nutrients (nitrogen, phosphorus), bacteria, viruses, protozoa, biodegradable organics, metals, and inorganic contaminants (sodium, chlorides, potassium, calcium, magnesium, and sulfates).

Clermont County is evaluating alternative on-site treatment designs, as well as other discharge options. Treatment/collection options such as cluster systems, small package treatment plants, small-diameter collection systems, etc. can be used to address the on-site disposal issue. To solve the on-site septic system problem, the County will evaluate the option to require owners of existing on-site systems to connect to centralized wastewater treatment systems, or to decentralized semi-public point source discharges, based on environmental benefits and costs. This would ultimately require several new NPDES discharge permits.

7. Review possibility of new discharge to Little Miami River to accommodate treatment of wastewater from areas with known failing septic systems.

An additional regulatory flexibility issue to address is the possibility of removing some wastewater volume from the EFLMR through new discharges to the Little Miami River. Areas of failing septic systems along Stonelick Creek and O'Bannon Creek are possible candidates for out-of-basin discharges. Serious consideration should be given to the evaluation of a new collection/treatment/discharge system with a surface water discharge to the Little Miami River.

8. Explore potential for County ownership and management of septic systems.

One management approach to improve septic system operations is for the County to assume ownership and management responsibility for all on-site systems. Many areas of the country have adopted this approach to ensure that inspections, pump-outs, upgrades and maintenance is conducted. Currently, pumped septage is discharged at the Middle East Fork WWTP for treatment. This option should be explored for adoption in Clermont County including an analysis of the potential regulatory impacts.

9. Evaluate riparian land controls for water quality protection.

Control over stream buffers can be a successful management control to maintain and improve water quality. Controls can be obtained through direct purchase, easements, donations, or land use restrictions. Land acquisitions are typically used in the water supply industry as a part of a multiple barrier approach to water quality protection. Tributary stream shading may serve as an important temperature and dissolved oxygen control measure. Current water quality and biological sampling will help evaluate this potential management option. Future water quality impacts could be minimized through an active stream corridor control program. Water quality models under development will be used to help evaluate the potential water quality benefits from such a program.

10. Non-traditional nonpoint source control of water quality

Clermont County is moving towards the development of a wide range of nonpoint source control measures for water quality protection. For example, the County has drafted water quality-based subdivision standards. These standards, when implemented, will incorporate performance criteria that must be met for all future subdivisions. Performance and operating standards focus on measurable environmental standards that protect human health or the environment. Performance standards do not specify how performance should be achieved but rather what the expected results should be. Another example is the site plan review process. The local governments have latitude to revise their site plan review regulations to incorporate environmental performance standards. These and other types of land control measures will be evaluated for adoption in Clermont County.

Trading Possibilities

Nutrient trading option between point and nonpoint sources will be developed under this program. Trading options could be established between point sources (WWTPs) and also between point and nonpoint sources.

The following list of permitted point sources are likely participants for trading:

- Milford WWTP,
- Lower East Fork WWTP,
- Middle East Fork WWTP,
- Batavia WWTP, and
- Williamsburg WWTP

Nonpoint sources are also a part of possible trading scenarios. Point/nonpoint source trading could result in significant water quality benefits while incurring low capital and operation and maintenance costs. The following nonpoint source activities should be evaluated for trading:

- Failing on-site septic systems controls
- Stormwater management controls
- Agricultural nutrient/pesticide/and erosion controls
- Development controls

Project Timing

This XL Community Project requires a two-step process. The first step is the finalization of this Interim Project Agreement/Framework. The expected completion date for this step is January 16,1998. The Interim Final Project Agreement Framework will detail milestones against which to measure progress, and identify specific USEPA and OEPA input.

The second step is to utilize the next two years to complete all tasks and enter into a Final Project Agreement by January 1, 2000.

The following parties enter into this agreement with the intent to complete all tasks and achieve a Final Project Agreement under the U.S. EPA XL Community Project Program.

BOARD OF CLERMONT COUNTY COMMISSIONERS

Martha Dorsey, President	Date
Richard L. Martin, Vice President	Date
Robert L. Proud, Member	Date

U.S. ENVIRONMENTAL PROTECTION AGENCY

By:	Date

OHIO ENVIRONMENTAL PROTECTION AGENCY

By:	Date